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PATENT APPLICATION  
*#6 04/12/02*

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Motoshi KISHI et al.

Application No.: 09/661,778

Filed: September 14, 2000

For: APPARATUS AND METHOD FOR MAKING LABELS

Group Art Unit: 3724  
Examiner: Clark F. Dexter  
Docket No.: 106856  
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RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In reply to the Restriction Requirement mailed March 8, 2002, Applicants provisionally elect Group I, claims 1-3, with traverse.

The Office Action asserts that the inventions of Groups I and II are distinct because the process, as claimed, can be practiced by another materially different apparatus, plurality of apparatuses and/or by hand. Applicants respectfully disagree.

Claim 1 of Group I recites a label making apparatus comprising a cutter that cuts a sheet along a desired line, a switching device that switches a state of the cutter between a full and half cutting state with a controller that controls the switching device. Claim 4 of Group II recites a method for making labels by performing a full cutting and half-cutting on a sheet using a cutter capable of selectively taking a full and half cutting state. Claim 4 further recites repeatedly performing half cutting on the sheet by the common cutter until the predetermined number of half cut lines are formed on the sheet, switching the state of the common cutter to a full cutting state so that the common cutter performs full cutting on a sheet along the desired line.

Because the method of claim 4 performs the full and half cutting along a sheet and switches the cutter between the half and full cutting state, an apparatus to perform the method of claim 4 would require a cutter that performs full cutting and half cutting. In addition, the method of claim 4 would require an apparatus that has a switching device and a controller for controlling the switching device from the half cutting to full cutting state, as recited in claim 1.

In addition, it is respectfully submitted that the method could not be performed by hand. Switching the state of the common cutter, as recited in claim 4, cannot be done by hand.

As such, it is respectfully submitted that the Examiner has not established that the apparatus of Group I and the method of Group II are distinct.

It is also respectfully submitted that the subject matter of all claims 1-6 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis

added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Klifton L. Kime  
Registration No. 42,733

JAO:JPH/mdw

Date: April 8, 2002

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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